

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 14, 2005
SAN FRANCISCO, CALIFORNIA**

S138169D045067 Fourth Appellate District,
Division OneS. (JOSHUA), ADOPTION OF
Petition for review granted

Votes: George, C.J., Kennard, Werdegarr, Chin, and
Moreno, JJ.

S138666G033608 Fourth Appellate District,
Division ThreeCORDER v. CORDER
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr,
Chin, and Moreno, JJ.

S029476PEOPLE v. BOYER (RICHARD DELMER)
Supplemental briefing ordered

The parties are directed to brief the following
issue:

As to appellant's claim that various items of
evidence should have been suppressed as the
"tainted fruit" of the illegal police conduct
toward him described in *People v. Boyer* (1989)
48 Cal.3d 247: Separate and apart from
whether any particular item of challenged
evidence "inevitably" would have been obtained
(*Nix v. Williams* (1984) 467 U.S. 431), does the
current record permit a determination that such
evidence otherwise was procured by means
sufficiently attenuated from the primary
illegality to dissipate the taint? (E.g., *Brown v.
Illinois* (1975) 422 U.S. 590, 603-604; *Wong
Sun v. United States* (1963) 371 U.S. 471, 477-
478.)

The parties may submit two rounds of
simultaneous letter briefs addressing this issue.
The first round may be filed on or before
December 29, 2005. The second round may be
filed within 15 days after the last brief in the
first round is filed.

The Attorney General, in his first letter brief,
also is directed to address the merits of the
arguments set out on pages 147 to 171 of the
Appellant's Opening Brief. Appellant, in his
second letter brief, may respond.

S138751A105222 First Appellate District,
Division TwoSCHWARTZ v. VISA INTERNATIONAL SERVICE
ASSOCIATION

Review granted/briefing deferred (rule 29.1)

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Californians for Disability Rights v. Mervyn's*, S131798 and *Branick v. Downey Savings & Loan Association*, S132433 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S074429

PEOPLE v. QUARTERMAIN (DRAX)

Appeal abated

Respondent's "Motion to Abate Appeal," filed on November 28, 2005, is granted. As indicated in a certified copy of a certificate of death, appellant Drax Quartermain died on September 22, 2005. All proceedings in *People v. Drax Quartermain*, case no. S074429, are permanently abated, and the Superior Court of California, County of San Mateo is directed to enter an order to that effect in case No. C-19614. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

S132723

JAMES (PATRICK) ON H.C.

Petition ordered withdrawn

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is withdrawn.

S119420

ERVIN (CURTIS L.) ON H.C.
Petition for writ of habeas corpus denied

The petition for writ of habeas corpus filed on October 1, 2003, is denied. All claims are denied on the merits. Except for allegations of ineffectiveness of counsel, claims 1 and 5 are separately and independently barred because petitioner did not object, or raise the issue, at trial. (*In re Seaton* (2004) 34 Cal.4th 193, 200.) Except for allegations of ineffectiveness of counsel, claims 1, and 2(a) are separately and independently barred by *In re Harris* (1993) 5 Cal.4th 813, 824-829, and *In re Waltreus* (1965) 62 Cal.2d 218, 225, to the extent those claims were raised and rejected on appeal.

Werdegar, J., is of the opinion an order to show cause should be issued as to claim 3.

S137500

B181380 Second Appellate District,
Division Seven

DAO v. CHAREUNSOUK
Petition for review & publication request denied

S137525

B173512 Second Appellate District,
B175474 Division Two

RENKO v. NORTHRIDGE CARE CENTER
Petition for review denied

The requests for an order directing publication of the opinion are denied.

S137548

A111328 First Appellate District,
Division Four

CARLIN (JAMES) ON H.C.
Petition for review denied

S137550

B184958 Second Appellate District,
Division Five

WEISSE (RUSSELL) ON H.C.
Petition for review denied

S137551

B185084 Second Appellate District,
Division Two

STINER (LARRY) ON H.C.
Petition for review denied

S137573

F048412 Fifth Appellate District

BARTEL (TIMOTHY) ON H.C.

Petition for review denied

S137596B173374 Second Appellate District,
Division Six

PEOPLE v. YOUNG

Petition for review denied

S137629

H028894 Sixth Appellate District

PACHECO (VICTOR) ON H.C.

Petition for review denied

S137655A108654 First Appellate District,
Division Three

E. (MAURICE), IN RE

Petition for review denied

S137662

C046032 Third Appellate District

PEOPLE v. DELHORNO

Petition for review denied

S137669E034417 Fourth Appellate District,
E034450 Division Two

PEOPLE v. SAWKOW

Petition for review denied

S137686G034215 Fourth Appellate District,
Division Three

PEOPLE v. HELSTERN

Petition for review & publication request denied

S137691C043539 Third Appellate District
C046171

DELL MERK v. FRANZIA

Petition for review & publication request denied

Request for judicial notice granted.

S137692

H027782 Sixth Appellate District

PEOPLE v. PEREZ

Petition for review denied

Request for judicial notice denied.

Kennard, J., is of the opinion the petition should
be granted.

S137700

G032899 Fourth Appellate District,
Division Three

PEOPLE v. FRIAS

Petition for review denied

S137710

A104893 First Appellate District,
Division Five

PEOPLE v. PIETILA

Petition for review denied

S137738

H027192 Sixth Appellate District

PEOPLE v. MORENO

Petition for review denied

S137744

B174161 Second Appellate District,
Division One

PEOPLE v. AVILA

Petition for review denied

S137768

A107276 First Appellate District,
Division Five

PEOPLE v. LAZO

Petition for review denied

S137781

C043308 Third Appellate District
C043992

PEOPLE v. LEE

Petition for review denied

S137784

H027607 Sixth Appellate District

PEOPLE v. CARRILLO

Petition for review denied

S137793

A110003 First Appellate District,
Division One

PIETILA (MATTI) ON H.C.

Petition for review denied

S137794

A105204 First Appellate District,
Division Three

PEOPLE v. FLOREZ

Petition for review denied

S137799

B172962 Second Appellate District,
Division Two

PEOPLE v. BORDERS

Petition for review denied

S137801

E036537 Fourth Appellate District,
Division Two

PEOPLE v. SMITH

Petition for review denied

S137813

B180355 Second Appellate District,
Division Two

BORDERS (GARRET) ON H.C.

Petition for review denied

S137842

E035605 Fourth Appellate District,
Division Two

PEOPLE v. Warburton

Petition for review denied

S137847

F045722 Fifth Appellate District

PEOPLE v. Martinez

Petition for review denied

Werdegar, J., is of the opinion the petition
should be granted.

S137850

G036076 Fourth Appellate District,
Division Three

DIPARRA (JOSE LUIS) ON H.C.

Petition for review denied

S137895

C045357 Third Appellate District

PEOPLE v. KEOVILAYPHONE

Petition for review denied

S137898

A104206 First Appellate District,
A110502 Division Three

PEOPLE v. Wren

Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.

S137989

C046755 Third Appellate District

PEOPLE v. HETTIGER

Petition for review denied

S138021

B175827 Second Appellate District,
Division Five

BRILL MEDIA v. TCW GROUP

Petition for review denied

S138023

B173412 Second Appellate District,
Division Three

PEOPLE v. ROJAS

Petition for review denied

S138028

E037586 Fourth Appellate District,
Division Two

PEOPLE v. MIRANDA

Petition for review denied

S138057

B174619 Second Appellate District,
Division Two

PEOPLE v. STORDAHL

Petition for review denied

S138058

B175739 Second Appellate District,
Division Four

PEOPLE v. VALDEZ

Petition for review denied

S138075

B175642 Second Appellate District,
Division Two

PEOPLE v. SEGURA

Petition for review denied

S138087

B185644 Second Appellate District,
Division Eight

AVON PRODUCTS v. S.C. (BLAKEMORE)

Petition for review denied

S138164

H026819 Sixth Appellate District

PEOPLE v. FERNANDEZ

Petition for review denied

S138206

B178943 Second Appellate District,
Division One

PEOPLE v. MCGAUGHY

Petition for review denied

S138212

B178954 Second Appellate District,
Division Three

SMITH v. STEWART

Petition for review denied

S138218

B175516 Second Appellate District,
Division Four

PEOPLE v. LOPEZ

Petition for review denied

S138221

B174864 Second Appellate District,
Division Four

PEOPLE v. RODRIGUEZ

Petition for review denied

S138235

C050362 Third Appellate District

PINEDA v. COCHRAN

Petition for review denied

S138302

B173930 Second Appellate District,
Division Four

PEOPLE v. FRANCO

Petition for review denied

S138324

D046064 Fourth Appellate District,
Division One

CAMPBELL v. S.C. (LA BARRIE)

Petition for review denied

S138350

B176008 Second Appellate District,
Division Eight

PEOPLE v. SCOTT

Petition for review denied

S138393

B185439 Second Appellate District,
Division Eight

PEOPLE v. PATTERSON

Petition for review denied

S138395

G036151 Fourth Appellate District,
Division Three

DONIGER v. S.C. (MCGEE)

Petition for review denied

S138408

D045281 Fourth Appellate District,
Division One

BUSTOS v. SAN DIEGO, COUNTY OF

Petition for review denied

S138411

H027920 Sixth Appellate District

PEOPLE v. LAUDERDALE

Petition for review denied

S138436

B177592 Second Appellate District,
Division Three

PEOPLE v. PUERTO

Petition for review denied

S138440

A108814 First Appellate District,
Division Two

PEOPLE v. ORANJE

Petition for review denied

S138441

D045429 Fourth Appellate District,
Division One

GROSSMONT UNION HIGH SCHOOL DISTRICT v.
TIG INSURANCE COMPANY

Petition for review denied

S138442

A104990 First Appellate District,
Division Five

PEOPLE v. DALEY

Petition for review denied

S138443

F046570 Fifth Appellate District

PEOPLE v. MONARREZ

Petition for review denied

S138447

G034719 Fourth Appellate District,
Division Three

VILLACRESES v. MOLINARI

Petition for review denied

S138448

B174884 Second Appellate District,
Division Two

PEOPLE v. FRANKLIN

Petition for review denied

S138452

A106268 First Appellate District,
Division Three

PEOPLE v. BOONE

Petition for review denied

S138454

B175590 Second Appellate District,
Division Five

PEOPLE v. SMITH

Petition for review denied

S138456

D045161 Fourth Appellate District,
Division One

PEOPLE v. BAKER

Petition for review denied

S138458

A111704 First Appellate District,
Division Four

AFAMASAGA v. S.C. (PEOPLE)

Petition for review denied

S138467

G032574 Fourth Appellate District,
Division Three

PEOPLE v. STEARNS

Petition for review denied

S138468

B173855 Second Appellate District,
Division Two

PEOPLE v. HURTADO

Petition for review denied

S138475

A104260 First Appellate District,
Division Three

BENESCH v. TANDLER

Petition for review denied

S138480

A102296 First Appellate District,
Division Three

BENESCH v. HOISINGTON

Petition for review denied

Werdegarr, J., was recused and did not
participate.

S138482

B175317 Second Appellate District,
Division Two

PEOPLE v. FLOWERS

Petition for review denied

S138483

D045572 Fourth Appellate District,
Division One

PEOPLE v. RAZO

Petition for review denied

S138486

A109618 First Appellate District,
Division Three

PEOPLE v. BROWN

Petition for review denied

S138491

B185086 Second Appellate District,
Division One

CITY OF SANTA MONICA v. S.C. (BARON)

Petition for review and application for stay denied

S138492

B178315 Second Appellate District,
Division Seven

PEOPLE v. SMITH

Petition for review denied

S138494

C047219 Third Appellate District

PEOPLE v. KRUPP

Petition for review denied

S138495B181339 Second Appellate District,
Division Six

HENSLEY v. FARMERS

Petition for review denied

S138496B178648 Second Appellate District,
Division One

PEOPLE v. RAWL

Petition for review denied

S138498E036702 Fourth Appellate District,
Division Two

PEOPLE v. BRADFORD

Petition for review denied

S138499A105688 First Appellate District,
Division Four

PEOPLE v. BANKSTON

Petition for review denied

S138501B181425 Second Appellate District,
Division Five

PEOPLE v. TURNER

Petition for review denied

S138503A108138 First Appellate District,
A106422 Division Four

LEE v. NETWORK OF CITY BUSINESS JOURNALS

Petition for review denied

S138507D044309 Fourth Appellate District,
Division One

RING v. MARRADI

Petition for review denied

S138508B178124 Second Appellate District,
Division Six

PEOPLE v. DARDEN

Petition for review denied

S138512

F046336 Fifth Appellate District

PEOPLE v. MELENDEZ

Petition for review denied

S138513
C047873 Third Appellate District

PEOPLE v. HARRIS
Petition for review denied

S138520
B178973 Second Appellate District,
Division Four

PEOPLE v. KORNISH
Petition for review denied

S138523
A108204 First Appellate District,
Division Four

PEOPLE v. BOVENKERK
Petition for review denied

S138524
A108032 First Appellate District,
Division One

PEOPLE v. HUGHS
Petition for review denied

S138526
F043399 Fifth Appellate District

PEOPLE v. MARTINEZ
Petition for review denied

Baxter, J., was recused and did not participate.

S138527
B177682 Second Appellate District,
Division Four

PEOPLE v. GONZALEZ
Petition for review denied

S138530
A105518 First Appellate District,
Division Five

PARRISH v. CINGULAR WIRELESS
Petition for review & publication request denied

S138531
C049254 Third Appellate District

C. (ARYANNA) IN RE
Petition for review & depublication request denied

S138532
E034911 Fourth Appellate District,
Division Two

PEOPLE v. SALAZAR
Petition for review denied

S138534
B177643 Second Appellate District,
Division Six

PEOPLE v. RODRIGUEZ
Petition for review denied

S138536

B178307 Second Appellate District,
Division Four

PEOPLE v. PETERS

Petition for review denied

S138541

D047348 Fourth Appellate District,
Division One

WITTINGTON (JAY A.) ON H.C.

Petition for review and application for stay denied

S138542

C044390 Third Appellate District

PEOPLE v. RENFRO

Petition for review denied

S138545

F045214 Fifth Appellate District

GROVE v. CHRISTENSEN

Petition for review denied

S138546

B179672 Second Appellate District,
Division Four

LAVERY v. WESTWOOD ONE, INC.

Petition for review denied

S138550

A108844 First Appellate District,
Division Four

PEOPLE v. MATILDE

Petition for review denied

S138552

B177937 Second Appellate District,
Division Six

PEOPLE v. CORRAL

Petition for review denied

S138553

G034456 Fourth Appellate District,
Division Three

PEOPLE v. ANAYA

Petition for review denied

S138557

B178118 Second Appellate District,
Division Six

PEOPLE v. CORONA

Petition for review denied

S138559

A109335 First Appellate District,
Division Five

PEOPLE v. BALL

Petition for review denied

S138560

G034143 Fourth Appellate District,
Division Three

**BUTTERFIELD v. CALIFORNIA COASTAL
COMMISSION**

Petition for review denied

S138562

B177519 Second Appellate District,
Division Eight

PEOPLE v. DAVIS

Petition for review denied

S138563

D041388 Fourth Appellate District,
Division One

PEOPLE v. WILLIAMS

Petition for review denied

S138567

H027260 Sixth Appellate District

PEOPLE v. MILINICH

Petition for review denied

S138569

B177524 Second Appellate District,
Division Three

H. (DARIEO) IN RE

Petition for review denied

S138570

B175587 Second Appellate District,
Division Two

PEOPLE v. CARRILLO

Petition for review denied

S138577

E037467 Fourth Appellate District,
Division Two

PEOPLE v. SEQUEIRA

Petition for review denied

S138578

G034832 Fourth Appellate District,
Division Three

PEOPLE v. ONTIVEROS

Petition for review denied

S138582

E037639 Fourth Appellate District,
Division Two

C. (CHRISTOPHER) IN RE

Petition for review denied

S138590

A106926 First Appellate District,
Division One

PEOPLE v. WALKER

Petition for review denied

S138593

A108071 First Appellate District,
Division One

PEOPLE v. RODRIGUEZ

Petition for review denied

S138594

G032902 Fourth Appellate District,
Division Three

PEOPLE v. CHEUNG

Petition for review denied

S138595

B172898 Second Appellate District,
Division Three

PEOPLE v. QUEZADA

Petition for review denied

S138598

F046875 Fifth Appellate District

PEOPLE v. DOVALES

Petition for review denied

S138599

B186762 Second Appellate District,
Division Seven

TRIPATI v. S.C. (COUNTY OF LOS ANGELES)

Petition for review denied

S138601

A108471 First Appellate District,
Division Four

PEOPLE v. JONES

Petition for review denied

S138602

H028050 Sixth Appellate District

M. (VINCENT) IN RE

Petition for review denied

S138604

C046585 Third Appellate District

DUVALL v. SACRAMENTO S.P.C.A.

Petition for review denied

S138606

C046307 Third Appellate District

PEOPLE v. GOODMAN

Petition for review denied

S138609

F046419 Fifth Appellate District

PEOPLE v. WILSON

Petition for review denied

S138614

H027707 Sixth Appellate District

PEOPLE v. ROYBAL

Petition for review denied

S138616D044587 Fourth Appellate District,
Division One

PEOPLE v. PARKER

Petition for review denied

S138624B174727 Second Appellate District,
B174727 Division Seven
B175743
B179791

M. (BRANDY) IN RE

Petition for review denied

Requests for judicial notice granted.

S138627A108827 First Appellate District,
Division Four

WILLS v. NORRIS

Petition for review denied

S138628A107820 First Appellate District,
Division Four

PEOPLE v. MORENO

Petition for review denied

S138629

F045770 Fifth Appellate District

NIEBLAS v. SMELMET

Petition for review denied

Request for judicial notice denied.

George, C.J., was recused and did not
participate.Baxter and Werdegarr, JJ., were recused and did
not participate.**S138630**B174536 Second Appellate District,
Division Seven

PEOPLE v. SUTTON

Petition for review denied

S138631

A106534 First Appellate District,
Division Four

PEOPLE v. MOUTON

Petition for review denied

S138632

C048883 Third Appellate District

PEOPLE v. NEWMAN

Petition for review denied

S138633

B181438 Second Appellate District,
Division Three

PEOPLE v. JOHNSON

Petition for review denied

S138634

F045890 Fifth Appellate District

PEOPLE v. PHILLIPS

Petition for review denied

S138639

B177170 Second Appellate District,
Division One

PEOPLE v. HANEY

Petition for review denied

S138649

F046828 Fifth Appellate District

PEOPLE v. SISAVATH

Petition for review denied

S138650

E036966 Fourth Appellate District,
Division Two

PEOPLE v. LAMA

Petition for review denied

S138654

C047198 Third Appellate District

PEOPLE v. ZITANO

Petition for review denied

S138656

A108211 First Appellate District,
Division Three

GREEN v. STATE OF CALIFORNIA

Petition for review & publication request denied

S138658

A106879 First Appellate District,
Division Two

ROBERTSON v. HEALTH NET OF CALIFORNIA

Petition for review & depublication request denied

S138661
C047162 Third Appellate District

HENDERSON v. U.C. REGENTS
Petition for review denied

S138663
C048155 Third Appellate District

PEOPLE v. DANIEL
Petition for review denied

S138673
B174473 Second Appellate District,
Division Seven

PEOPLE v. DAVIS
Petition for review denied

S138680
B178536 Second Appellate District,
Division Four

PEOPLE v. ATENCIO
Petition for review denied

S138681
A108285 First Appellate District,
Division Five

PEOPLE v. GLYNN
Petition for review denied

S138683
B177521 Second Appellate District,
Division Two

PEOPLE v. MAHDI
Petition for review denied

S138685
B174094 Second Appellate District,
Division Eight

JITNER v. AMIRI
Petition for review & publication request denied

S138690
A102858 First Appellate District,
Division Three

CONCORD CHRISTIAN CENTER v. OPEN BIBLE
STANDARD CHURCHES
Petition for review denied

S138695
A111717 First Appellate District,
Division Three

MCCOLM v. S.C. (GOLDEN EAGLE INSURANCE)
Petition for review denied

S138702
A106273 First Appellate District,
Division One

PEOPLE v. TEWOLDE
Petition for review denied

S138703 C046559 Third Appellate District	PEOPLE v. WHEELER Petition for review denied
S138708 H027766 Sixth Appellate District	HAFERMAN v. HAYNIE Petition for review denied
S138709 C047376 Third Appellate District	PEOPLE v. SEXTON Petition for review denied
S138710 C046479 Third Appellate District	PEOPLE v. KING Petition for review denied
S138712 F045020 Fifth Appellate District	PEOPLE v. PAZ Petition for review denied
S138714 G034122 Fourth Appellate District, Division Three	B. (ANTHONY) IN RE Petition for review denied
S138719 B185052 Second Appellate District, Division Four	BENAVIDES v. S.C. (PAN) Petition for review denied
S138720 G033010 Fourth Appellate District, Division Three	PEOPLE v. GUTIERREZ Petition for review denied
S138721 B171826 Second Appellate District, Division Eight	PEOPLE v. MENDEZ Petition for review denied
S138723 B180031 Second Appellate District, Division Four	PEOPLE v. MARIN Petition for review denied

S138724

B174620 Second Appellate District,
Division Three

PEOPLE v. DUARTE

Petition for review denied

S138727

B179321 Second Appellate District,
Division Two

BHATT v. DEPARTMENT OF HEALTH SERVICES

Petition for review denied

S138730

H028141 Sixth Appellate District

PEOPLE v. VALDEZ

Petition for review denied

S138731

B186626 Second Appellate District,
Division One

RABB v. S.C. (PEOPLE)

Petition for review and application for stay denied

S138732

B179158 Second Appellate District,
Division Three

PEOPLE v. DAVIS

Petition for review denied

S138735

C048183 Third Appellate District

PEOPLE v. STANLEY

Petition for review denied

S138738

B181752 Second Appellate District,
Division One

PEOPLE v. DELACRUZ

Petition for review denied

S138741

G034343 Fourth Appellate District,
Division Three

PEOPLE v. GAVALDON

Petition for review denied

S138742

B176017 Second Appellate District,
Division Three

PEOPLE v. TOLENTINO

Petition for review denied

S138744

D045003 Fourth Appellate District,
Division One

TOSCANO v. TRUONG

Petition for review denied

S138745

A105906 First Appellate District,
Division Five

WING v. CINGULAR WIRELESS, LLC

Petition for review and application for stay denied

S138746

A105910 First Appellate District,
Division Five

BUCY v. AT&T WIRELESS SERVICE INC.

Petition for review and application for stay denied

S138752

A106061 First Appellate District,
A106340 Division Five
A106341

MEOLI v. AT&T WIRELESS SERVICE INC.

Petition for review denied

S138753

C050538 Third Appellate District

DAVIS v. W.C.A.B. (DEPARTMENT OF
CORRECTIONS)

Petition for review denied

S138755

D044843 Fourth Appellate District,
Division One

CONNELLY v. PICKFORD NEW HOMES REAL
ESTATE INC.

Petition for review denied

S138759

C047504 Third Appellate District

LUCKEY v. LUCKEY COMPANY

Petition for review denied

S138761

A108766 First Appellate District,
Division Three

PEOPLE v. ERENA

Petition for review denied

S138765

B173183 Second Appellate District,
Division Eight

PEOPLE v. DINKINS

Petition for review denied

S138768

A110951 First Appellate District,
Division Three

HARDAWAY v. MCCARTY

Petition for review denied

S138773

B169053 Second Appellate District,
Division Two

PEOPLE v. DRAKE

Petition for review denied

S138776

G034586 Fourth Appellate District,
Division Three

PEOPLE v. GRIEGO

Petition for review denied

S138778

B171174 Second Appellate District,
Division Two

PEOPLE v. SABELLA

Petition for review denied

S138783

E036220 Fourth Appellate District,
Division Two

PEOPLE v. TOLBERT

Petition for review denied

S138784

G034853 Fourth Appellate District,
Division Three

PEOPLE v. HERNANDEZ

Petition for review denied

S138789

D045110 Fourth Appellate District,
Division One

PEOPLE v. MIANI

Petition for review denied

S138790

B173149 Second Appellate District,
Division Eight

PEOPLE v. MAGANA

Petition for review denied

S138797

B186493 Second Appellate District,
Division One

TAG-IT PACIFIC INC. v. S.C. (ROUP)

Petition for review denied

S138798

H029482 Sixth Appellate District

ARTEAGA v. S.C. (PEOPLE)

Petition for review and application for stay denied

S138800 B178553 Second Appellate District, Division Two	PEOPLE v. MORALES Petition for review denied
S138826 G034561 Fourth Appellate District, Division Three	PEOPLE v. GARCIA Petition for review denied
S138828 C050983 Third Appellate District	MAYES v. S.C. (CITY OF LINCOLN) Petition for review and application for stay denied
S138840 B173617 Second Appellate District, Division One	PEOPLE v. MARTINEZ Petition for review denied
S138851 G036224 Fourth Appellate District, Division Three	QAZZA v. S.C. (PEOPLE) Petition for review denied
S138887 C046445 Third Appellate District	PEOPLE v. BAKER Petition for review denied
S138888 B183034 Second Appellate District, Division Seven	BURDUSIS v. S.C. (RENT-A-CENTER) Petition for review & depublication request denied
S138908 C048909 Third Appellate District	PINEDA v. GIBSON Petition for review denied
S138920 B186961 Second Appellate District, Division Eight	SMITH (DANIEL) ON H.C. Petition for review and application for stay denied
S139035 G035702 Fourth Appellate District, Division Three	HERRON v. HERRON Petition for review and application for stay denied

S139055

WINKLER v. SUPREME COURT
Petition for writ of mandate/prohibition denied

S139059

B187222 Second Appellate District,
Division Eight

FORTY-NINER SHOPS v. A.B.C.
Petition for review and application for stay denied

S139090

B182657 Second Appellate District,
Division Seven

ZHONG v. S.C. (PEOPLE)
Petition for review and application for stay denied

Kennard, J., is of the opinion the petition should
be granted.

S125608

WICK (ERIC) ON H.C.
Petition for writ of habeas corpus denied

S128637

RILEY (ALBERT L.) ON H.C.
Petition for writ of habeas corpus denied

S128991

SCHOMBERG (ERIKA) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304.)

S129415

MCBROOM (LEMONTA R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S129420

HORSTMAN (JEFFERY P.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129565

CARR (MARION A.) ON H.C.
Petition for writ of habeas corpus denied

S129596

DORTHICK (MELVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S129693

YARBROUGH (H. B.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re*
Dixon (1953) 41 Cal.2d 756; *In re Swain* (1949)
34 Cal.2d 300, 304; *People v. Duvall* (1995) 9
Cal.4th 464, 474.)

S129838

ODHAM (CURTIS) ON H.C.
Petition for writ of habeas corpus denied

S129850

GILBEAUX (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

S129853

MENDOZA (LENNARD AL) ON H.C.
Petition for writ of habeas corpus denied

S129875

RHODES (BERNARD) ON H.C.
Petition for writ of habeas corpus denied

S129890

CANCINO (SCOTT) ON H.C.
Petition for writ of habeas corpus denied

S129902

MARQUEZ (RICHARD M.) ON H.C.
Petition for writ of habeas corpus denied

S129909

LOPEZ (MANUEL W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Alvarez* (1992) 2 Cal.4th 924, 938; *In re Resendiz* (2001) 25 Cal.4th 230.)

S129920

PRATT (LARRY R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S129977

GUERRERO (THOMAS) ON H.C.
Petition for writ of habeas corpus denied

S130013

BEYETT (LYNN C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal. 4th 770, 780.)

S130055

LOPEZ (JOSE C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130094

TOLBERT (EDWAR S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* 9 (1995) Cal.4th 464, 474.)

S130097

STERLING (DANIEL H.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

S130102

RAMIREZ (JUAN M.) ON H.C.
Petition for writ of habeas corpus denied

S130121

KELLEY (STEVEN J.) ON H.C.
Petition for writ of habeas corpus denied

S130126

DAVIS (MAURICE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

S130133

ABRAHAM (JOHN A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Miller* (1941) 17 Cal.2d 734; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770,780; *In re Waltreus* (1965) 62 Cal.2d 218.)

S130153

SORIA (JOSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S130164

SOSA (FRED) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S130179

HARRIS (TYRONE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218.)

S130205

HUYNH (KHOI D.) ON H.C.
Petition for writ of habeas corpus denied

S130207

HUDSON (MICHAEL W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130221

LEE (ROBERT E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130231

SEPULVEDA (ISMAEL) ON H.C.
Petition for writ of habeas corpus denied

S130252

VETTER (GEORGE W.) ON H.C.
Petition for writ of habeas corpus denied

S130265

LOPEZ (ERNESTO) ON H.C.
Petition for writ of habeas corpus denied

S130276

SINGERMAN (DAVID P.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130322

CARR (MYRON DWALL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770,780.)

S130325

EDWARDS (REGINALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S130326

MONKRES (BRYAN R.) ON H.C.
Petition for writ of habeas corpus denied

S130335

HERRERA (ALEJANDRO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770,780.)

S130337

ENDSLEY (MARC) ON H.C.
Petition for writ of habeas corpus denied

S130343

CRAWFORD (DALE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkratz* (2002) 29 Cal.4th 616.)

S130344

THORNTON (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

S130345

DELEON (ELMOR JACOB) ON H.C.
Petition for writ of habeas corpus denied

S130394

GOMEZ (JESSIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S130405

SAXTON (JOHNNY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130407

CASTRO (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S130413

CHARITY (TIMOTHY ONEIL) ON H.C.
Petition for writ of habeas corpus denied

S130436

HAMILTON (MARQUES D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130437

LOPEZ (GUALBERTO) ON H.C.
Petition for writ of habeas corpus denied

S130439

SMITH (BERNARD L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S130441

CHAMBERS (ANTHONY B.) ON H.C.
Petition for writ of habeas corpus denied

S130443

HUNTER (LOUIS T.) ON H.C.
Petition for writ of habeas corpus denied

S130444

MORENO (JULIAN) ON H.C.
Petition for writ of habeas corpus denied

S130446

HEMINGWAY (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dexter* (1979) 25 Cal.3d 921.)

S130478

BEDFORD (GREGORY L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130492

COMBS (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S130498

HARROD (JESSE) ON H.C.
Petition for writ of habeas corpus denied

S130499

BAKER (CLEVELAND L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130517

ROBERTS (DARNELL) ON H.C.
Petition for writ of habeas corpus denied

S130530

KECHECHYAN (ARUTYAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130538

CAZARES (CARLOS JESUS) ON H.C.
Petition for writ of habeas corpus denied

S130552

WINDER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S130554	ANDERSON (RODOLFO C.) ON H.C. Petition for writ of habeas corpus denied
S130555	PINEDO (JOHN) ON H.C. Petition for writ of habeas corpus denied
S130558	RICHARDS (RICHARD) ON H.C. Petition for writ of habeas corpus denied
S130574	JENKINS (JOHN WILLIE) ON H.C. Petition for writ of habeas corpus denied (See <i>In re Clark</i> (1993) 5 Cal.4th 750; <i>In re Waltreus</i> (1965) 62 Cal.2d 218; <i>In re Miller</i> (1941) 17 Cal.2d 734.)
S130575	STITH (THEODORE) ON H.C. Petition for writ of habeas corpus denied
S130588	MENCY (JASON) ON H.C. Petition for writ of habeas corpus denied
S130594	ROBISON (GLEN) ON H.C. Petition for writ of habeas corpus denied
S130617	DAVIS (CHARLES T.) ON H.C. Petition for writ of habeas corpus denied
S130630	HERNANDEZ (JUAN) ON H.C. Petition for writ of habeas corpus denied
S130633	MARSHALL (CHRISTOPHER R.) ON H.C. Petition for writ of habeas corpus denied
S130638	CHRISMAN (ROBERT) ON H.C. Petition for writ of habeas corpus denied

S130647

DAVIS (JULIO) ON H.C.
Petition for writ of habeas corpus denied

S130650

CRECY (ANTOINE M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130654

AYUZO (LIBRADO) ON H.C.
Petition for writ of habeas corpus denied

S130665

MEYER (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

S130695

BOYAGDIAN (SARKIS) ON H.C.
Petition for writ of habeas corpus denied

S130697

SMITH (DAVID M.) ON H.C.
Petition for writ of habeas corpus denied

S130699

AUSLER (PHENENO K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130702

SHARLHORNE (STACY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130707

CARR (ANDRE T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Miller* (1941) 17 Cal.2d 734.)

S130712

LAKEY (DERRICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130723

WILSON (KENNETH R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130735

BELL (EDDIE L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130737

LANGILL (DOUGLAS B.) ON H.C.
Petition for writ of habeas corpus denied

S130743

MCFADDEN (JACK D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) Cal.4th 770, 780.)

S130812

ROSALES (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130814

WOLFF (HERBERT D.) ON H.C.
Petition for writ of habeas corpus denied

S130815

HUNT (STONEY LYNN) ON H.C.
Petition for writ of habeas corpus denied

S130816

ELLINGTON (MARCUS R.) ON H.C.
Petition for writ of habeas corpus denied

S130885

PUCHETA (HECTOR) ON H.C.
Petition for writ of habeas corpus denied

S130899

FLORES (ALBERTO) ON H.C.
Petition for writ of habeas corpus denied

S130909

CULVERSON (SHAROL J.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,
474; *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

S130913

ERBES (JAMES HOWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re
Miller* (1941) 17 Cal.2d 734.)

S130930

MARSHALL (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S130951

AVALOS (JAVIER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S130952

SHANE (MICHAEL A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re
Robbins* (1998) 18 Cal.4th 770, 780.)

S130955

PROCTOR (RICHARD D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re
Robbins* (1998) 18 Cal.4th 770, 780; *In re
Miller* (1941) 17 Cal.2d 734.)

S130956

RODRIGUEZ (ALEX) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130959

KELLEY (WADE EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S130960

LUDWIG (KRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

without prejudice to the filing of an original
petition in the superior court. (See *In re Reeves*
(2005) 35 Cal.4th 765.)

S130961

LUDWIG (KRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

without prejudice to the filing of an original
petition in the superior court. (See *In re Reeves*
(2005) 35 Cal.4th 765.)

S130964

VAN SWAIT (ARTHUR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S130968

GREER (PENNY) ON H.C.
Petition for writ of habeas corpus denied

S130970

MCGATHON (JOHN R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S130975

WHITE (RUBEN A.) ON H.C.
Petition for writ of habeas corpus denied

S130993

BROADNAX (MARCUS) ON H.C.
Petition for writ of habeas corpus denied

S131000

ROBERTS (DARNELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S131007

ROBERTS (DARNELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S131019

SIMS (EDDIE R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131026

ISAAC (GUADALUPE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S131027

GONZALEZ (ANDRES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

S131035

ANDERSON (CHRIST) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131065

SHEPARD (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

S131069

TOLIVER (TYRONE L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S131074

SMITH (DAVID RANDOLPH) ON H.C.
Petition for writ of habeas corpus denied

S131077

AGUILAR (FROLIAN A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131078

EVANS (RANDY EUGENE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131083

CARDENAS (ARMANDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S131084

MUNIVE (PEDRO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131089

TERRY (DAVID LEE) ON H.C.
Petition for writ of habeas corpus denied

S131095

HARRIS (TIMMOTHY H.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131133

GREY (JAMES D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S131164

BROWN (DELAUN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S131188

TAYLOR (DAVID RODNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S131262

TRAN (PHONG THANH) ON H.C.
Petition for writ of habeas corpus denied

S131271

JAMES (RICKY) ON H.C.
Petition for writ of habeas corpus denied

S131273

MCCOY (JERRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131278

BRISENO (ERIK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S131349

MASSEY (RICHARD L.) ON H.C.
Petition for writ of habeas corpus denied

S131356

ALGALON (ENRIQUE) ON H.C.
Petition for writ of habeas corpus denied

S131417

ROBISON (GLEN W.) ON H.C.
Petition for writ of habeas corpus denied

S131768

LEMONS (TERREL) ON H.C.
Petition for writ of habeas corpus denied

S132576

LUDWIG (KRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S132823

BELL (EDDIE LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S132912

ENDSLEY (MARC) ON H.C.
Petition for writ of habeas corpus denied

S132929

STAMBAUGH (MATTHEW) ON H.C.
Petition for writ of habeas corpus denied

S133444

WALTERS (ROBERT KELLY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dexter* (1979) 25 Cal.3d 921.)

S133471

HOWARD (CLARENCE E.) ON H.C.
Petition for writ of habeas corpus denied

S133490

WALKER (DAVID E.) ON H.C.
Petition for writ of habeas corpus denied

S133720

HARDNEY (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S133809

DYKES (RUDOLPH) ON H.C.
Petition for writ of habeas corpus denied

S133827

CARTER (MARKEE) ON H.C.
Petition for writ of habeas corpus denied

S133832

GRIFFITH (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S133908

YOUNG (KEITH L.) ON H.C.
Petition for writ of habeas corpus denied

S134035

CENTENO (DOUGLAS) ON H.C.
Petition for writ of habeas corpus denied

S134209

WAGNER (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

S134275

DUSTIN (DALE O.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S134296

SIMMONS (MELVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)

George, C.J., was recused and did not participate.

S134387

WALKER (DAVID E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S134412

DUSTIN (DALE O.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S134882

REED (NEHEMIAH HENRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S134910

HARDNEY (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S134942

MARSHALL (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S135035

DUSTIN (DALE O.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S135151

DUSTIN (DALE O.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Dexter* (1979) 25 Cal.3d 921; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S135153WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S135155WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied**S137088**WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S137288SIMMONS (MELVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S137446WASHINGTON (RODERICK W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S137494WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S137743COLEMAN (WESLEY J.) ON H.C.
Petition for writ of habeas corpus and request for stay
denied

(*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S137783

CARMONY (HAROLD E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S138136

ALFORD (RICKEY L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300,304; *In re Clark* (1993) 5 Cal.4th 750.)

S138155

MORRIS (VINCENT) ON H.C.
Petition for writ of habeas corpus denied

S138163

ALFORD (RICKEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S138195

REYNOLDS (JAMES R.) ON H.C.
Petition for writ of habeas corpus denied

S138303

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S138357

LUSTER (ANDREW) ON H.C.
Petition for writ of habeas corpus denied

S138470

DAVIDSON (KELEE L.) ON H.C.
Petition for writ of habeas corpus denied

S138544

FKADU (BERIHU) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal. 4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S138554

HENDERSON (JEROME) ON H.C.
Petition for writ of habeas corpus denied

S138573

BOBADILLA (JAIME) ON H.C.
Petition for writ of habeas corpus denied

S138607

FARRIS (MICHAEL AL.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

S138619

MESSERLI (NICHOLAS D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S138637

BRENT (KENTON) ON H.C.
Petition for writ of habeas corpus denied

S138644

JOHNSON (GREG) ON H.C.
Petition for writ of habeas corpus denied

S138671

JACKSON (ANTHONY X.) ON H.C.
Petition for writ of habeas corpus denied

S138696

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S138717

GONZALES (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

S138736

CRUMP (STEPHEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2nd 300,304.)

S138821

FKADU (BERIHU H.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S138847

JONES (MALINDA J.) ON H.C.
Petition for writ of habeas corpus denied

S138860

LATHAN (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S138904

VON SCHINDLER (SHANE) ON H.C.
Petition for writ of habeas corpus denied

S138909

VERTICAN (GARY) ON H.C.
Petition for writ of habeas corpus denied

S138925

ROJAS (JAMIE) ON H.C.
Petition for writ of habeas corpus denied

S138933

WITT (LLOYD G.) ON H.C.
Petition for writ of habeas corpus denied

S138996

HARRIS (ALONZO) ON H.C.
Petition for writ of habeas corpus denied

S138997

CERPA (ALDO) ON H.C.
Petition for writ of habeas corpus denied

S139007

DUBRIN (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d
240,246.)

S139047

BROWNE (ERIC) ON H.C.
Petition for writ of habeas corpus denied

S139049

DOMINGUEZ (JASON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S139189

TORRES (HECTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S139229

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S139230

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S139278

SMITH (RAYMOND W.) ON H.C.
Petition for writ of habeas corpus denied

S137705

CHEN (MARIO ESTEBAN) ON H.C.

Order: (dispositive)

The petition for writ of mandate is ordered refiled as an original petition for writ of habeas corpus. The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the Court of Appeal, Second Appellate District, Division Seven, why the relief sought in the petition should not be granted. The return is to be filed on January 13, 2006. (See *Rose v. Superior Court* (2000) 81 Cal.App.4th 564.)

Votes: George, C.J., Kennard, Werdegar, Chin, and Moreno, JJ.

S137417B178571 Second Appellate District,
Division Two

JONES DAY v. MEDIANEWS GROUP

Publication request denied

S137674A107908 First Appellate District,
Division Five

MARKOULIS v. STUDIO MECHANICA

Publication request denied

S137780A110492 First Appellate District,
Division Two

PHELON (KENNETH D.) ON H.C.

Publication request denied

S138555

C049391 Third Appellate District

KAUFMAN & BROAD COMMUNITIES v.
PERFORMANCE PLASTERING INC.

Depublication request denied

S138556A105461 First Appellate District,
A10636 Division One

WILSON v. BRAWN OF CALIFORNIA

Publication request denied

S138640B179237 Second Appellate District,
Division Six

MEDICAL STAFF DOCTORS v. KAMIL

Publication request denied

S138687

B179756 Second Appellate District,
Division Four

P. (NAOMI) IN RE

Publication request denied

S138763

G034887 Fourth Appellate District,
Division Three

PEOPLE v. RANGER

Publication request denied

S138998

F046069 Fifth Appellate District

PEOPLE v. ORTEGA

Publication request denied

S125572

D040040 Fourth Appellate District,
Division One

PEOPLE v. MURPHY

Time extended to consider modification or rehearing

to February 24, 2006

S138142

B185741 Second Appellate District,
Division One

JENKINS (DOUGLAS LEE) ON H.C.

Time extended to grant or deny review

to January 24, 2006.

S138289

A111644 First Appellate District,
Division Two

JOHNSON (JAMES T.) ON H.C.

Time extended to grant or deny review

to January 20, 2006.

S138299

A110980 First Appellate District,
Division One

NORTHROP (THOMAS) ON H.C.

Time extended to grant or deny review

to January 23, 2006.

S138306

A110719 First Appellate District,
Division Two

HERNANDEZ (LUIS ANTONIO) ON H.C.

Time extended to grant or deny review

to January 20, 2006.

S138373

H029393 Sixth Appellate District

COLLIER (DOUGLAS) ON H.C.

Time extended to grant or deny review

to January 25, 2006

S138399

E039018 Fourth Appellate District,
Division Two

JONES (LEANDER L.) ON H.C.

Time extended to grant or deny review

to January 26, 2006.

S138406

B186136 Second Appellate District,
Division Four

BENAVIDES (WALTER A.) ON H.C.

Time extended to grant or deny review

to January 25, 2006.

S138426

B184646 Second Appellate District,
Division Four

PRATT (THOMAS) ON H.C.

Time extended to grant or deny review

to January 25, 2006.

S138460

H028436 Sixth Appellate District

HEARD (JOSEPH) ON H.C.

Time extended to grant or deny review

to January 27, 2006.

S138469

A111622 First Appellate District,
Division One

WILLIAMS (ANTOINE) ON H.C.

Time extended to grant or deny review

to January 27, 2006.

S138472

C050913 Third Appellate District

PAYNE (GERALD J.) ON H.C.

Time extended to grant or deny review

to January 27, 2006

S138473

F048933 Fifth Appellate District

NEAL (BENSON ROBERT) ON H.C.

Time extended to grant or deny review

to January 27, 2006.

S138485

E038969 Fourth Appellate District,
Division Two

ATCHLEY (RICHARD ALLEN) ON H.C.

Time extended to grant or deny review

to January 27, 2006.

S138519

E038979 Fourth Appellate District,
Division Two

JONES (DESMOND CHECOTHA) ON H.C.

Time extended to grant or deny review

to January 30, 2006.

S138575

B185459 Second Appellate District,
Division One

JORDAN (JOHNNIE) ON H.C.

Time extended to grant or deny review

to February 1, 2006.

S138596

A109294 First Appellate District,
A111183 Division Two

LONG (MICHAEL DWAYNE) ON H.C.

Time extended to grant or deny review

to February 2, 2006.

S138620

E037122 Fourth Appellate District,
Division Two

DELGADILLO (JORGE) ON H.C.

Time extended to grant or deny review

to February 2, 2006.

S138665

B186324 Second Appellate District,
Division Five

CHAVEZ (ANTONIO M.) ON H.C.

Time extended to grant or deny review

to February 2, 2006.

S045696

PEOPLE v. GARCIA (RANDY E.)

Extension of time granted

to February 17, 2006 to file appellant's opening
brief.

S048763

PEOPLE v. NELSON (SERGIO D.)

Extension of time granted

to February 14, 2006 to file the respondent's
brief. After that date, only one further extension
totaling about 30 additional days will be
granted. Extension is granted based upon
Deputy Attorney General Sharon E. Loughner's
representation that she anticipates filing that
brief by March 2006.

S050583

PEOPLE v. HOWARD (DEMETRIUS)

Extension of time granted

to February 10, 2006 to file the respondent's brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon Deputy Attorney General Adrienne S. Denault's representation that she anticipates filing that brief by February 10, 2006.

S075616

PEOPLE v. GONZALES & SOLIZ

Extension of time granted

to February 14, 2006 to file respondent's brief.

S076339

PEOPLE v. GRIMES (GARY L.)

Extension of time granted

to February 14, 2006 to file the appellant's opening brief. The court anticipates that after that date, only nine further extensions totaling about 540 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S077009

PEOPLE v. CARRASCO (ROBERT)

Extension of time granted

to February 3, 2006 to file the appellant's opening brief. After that date, only five further extensions totaling about 300 additional days will be granted. Extension is granted based upon counsel Robert R. Bryan's representation that he anticipates filing that brief by December 1, 2006.

S080550

PEOPLE v. LEE (PHILIAN)

Extension of time granted

to February 6, 2006 to file the appellant's opening brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon counsel Conrad Petermann's representation that he anticipates filing that brief by April 2006.

S090499

PEOPLE v. LIVINGSTON (DAVID J.)

Extension of time granted

to February 14, 2006 to file appellant's opening brief.

S115250

GURULE (RAYMOND) ON H.C.

Extension of time granted

to January 6, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Jeffrey M. Bryant's representation that he anticipates filing that document by April 1, 2006.

S136926

GUTIERREZ (ISAAC) ON H.C.

Extension of time granted

to January 12, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Supervising Deputy Attorney General Raquel M. Gonzalez's representation that she anticipates filing that document by February 13, 2006.

S076999

PEOPLE v. SOUZA (MATTHEW A.)
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Matthew Aric Souza, filed December 6, 2005, is granted.

The order appointing C. Delaine Renard as appellate counsel of record for appellant Matthew Aric Souza, filed June 19, 2003, is hereby vacated.

The State Public Defender is hereby appointed to represent appellant Matthew Aric Souza for the direct appeal in the above automatic appeal now pending in this court.

S087569

PEOPLE v. SANCHEZ (JUAN)
Order appointing State Public Defender filed

to represent appellant for the direct appeal.

S087773

PEOPLE v. GOMEZ (RUBEN P.)
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Lynne S. Coffin is hereby appointed to represent appellant Ruben Perez Gomez for the direct appeal in the above automatic appeal now pending in this court.

S137422

E034205 Fourth Appellate District,
Division Two

PEOPLE v. RODGERS
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Mark S. Devore is hereby appointed to represent appellant on the appeal now pending in this court.

S018634

PEOPLE v. GUTIERREZ (ISAAC)
Motion for access to sealed record granted

The "Application for Release of Files, Records and Any Confidential Materials," filed on November 3, 2005, is granted. Counsel is

granted access to the confidential materials in *People v. Gutierrez* (S018634); *In re Gutierrez on Habeas Corpus* (S106745); and *In re Gutierrez on Habeas Corpus* (S136926). Counsel must supply the personnel and equipment necessary to undertake this review and copying of the records, which must occur on the premises of the court.

S054774

PEOPLE v. TAYLOR (KEITH DESMOND)
Order filed

Appellant Keith Desmond Taylor and respondent's "Joint Motion to File Amended Settled Statement Number 6," filed October 21, 2005, is granted. The clerk is directed to file "Amended Settled Statement Number 6," dated August 18, 2005.

S073823

PEOPLE v. BUENROSTRO (DORA)
Motion denied

Appellant Doris Buenrostro's "Motion to Preserve Records, Evidence, Exhibits, Files and Other Items Related to Automatic Appeal," filed October 28, 2005, is denied.

S107856

CREW (MARK C.) ON H.C.
Referee appointed

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable Brian C. Walsh, Judge of the Superior Court of California, County of Santa Clara, is appointed to sit as a referee in this proceeding. He is directed to take evidence and make findings of fact on these questions regarding the case of *People v. Mark Christopher Crew* (Santa Clara Superior Court No. 101400, John Shatz, Jr. and Robert P. Ahern, Judges):

1. What information did petitioner's trial counsel have when deciding on the scope of his investigation into potential mitigating evidence?

2. What actions did petitioner's trial counsel take to investigate potential evidence that could have been presented in mitigation at the penalty phase of petitioner's trial? What were the results of that investigation?

3. What tactical justifications, if any, does petitioner's trial counsel offer for (a) limiting the scope of his investigation and conducting the investigation in the manner that he did, and (b) in limiting the presentation of penalty phase evidence in the manner that he did?

4. What additional mitigating evidence could petitioner have presented at the penalty phase? How credible was this evidence?

5. What investigative steps would have led to this additional evidence?

6. What circumstances weighed against the investigation or presentation of this additional evidence. What evidence damaging to petitioner, but not presented by the prosecution at the guilt or penalty phase of trial, would likely have been presented in rebuttal if petitioner had introduced this evidence?

7. Did petitioner do or say anything to hinder or prevent the investigation or presentation of mitigating evidence at the penalty phase, or did he ask that any such evidence not be presented? If so, what did he do or say?

The Referee is directed to prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made. All requests for discovery should be addressed to the referee.

S120374

BARGAS, ACCUSATION OF
Petition denied

S138522

PLOTNIK, ACCUSATION OF
Petition denied

S138588

CARMAN, ACCUSATION OF
Petition denied

S138692

MCCLENDON, ACCUSATION OF
Petition denied

S135716

SHALANT ON DISCIPLINE
Petition for writ of review denied; disbarred

Petition for writ of review DENIED. It is hereby ordered that **JOSEPH LEIB SHALANT, State Bar No. 40303**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S136956

MARMOREK ON DISCIPLINE
Petition writ of review denied; recommended discipline imposed

Petition for writ of review DENIED. It is ordered that **Carol Debra Marmorek, State Bar Number 213399**, be suspended from the practice of law in the State of California for one year, that execution of the one-year suspension be stayed, and that she be actually suspended from the practice of law in this state for thirty days and until she files and the State Bar Court grants a motion, under rule 205 of the Rules of Procedure of the State Bar, to terminate her actual suspension as recommended by the Hearing Department of the State Bar Court in its decision filed on June 27, 2005. Marmorek is ordered to comply with any probation conditions imposed on her by the State Bar Court as a condition for terminating her actual suspension. Marmorek is also ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of her actual suspension. (See

Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) If the period of Marmorek's actual suspension extends for two or more years, she must remain on actual suspension until she shows proof satisfactory to the State Bar Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Further, if the period of Marmorek's actual suspension extends for ninety or more days, she is ordered to comply with California Rules of Court, rule 955 and to perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF
ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in the state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ATTACHED LIST OF NAMES TO
ORIGINAL ORDER

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 10, 2006**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on January 10, 2006.

TUESDAY, JANUARY 10, 2006 – 9:00 A.M.

S112621	Evans et al. v. City of Berkeley et al.
S127641	Frye v. Tenderloin Housing Clinic, Inc.
S125502	Connerly v. State Personnel Board et al.

1:30 P.M.

S119575	Avila v. Citrus Community College District
S042698	People v. Jurado (Robert) [Automatic Appeal]
S037006	People v. Huggins (Michael) [Automatic Appeal]

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.